

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-10 are pending. Claims 1-9 are amended and claim 10 is added. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Drawings

It is gratefully appreciated that the Examiner has accepted the drawings.

Acknowledgement of Information Disclosure Statement

It is gratefully appreciated that the Examiner has acknowledged the Information Disclosure Statements filed on September 7, 2004 and March 25, 2005.

Amendments to the Specification

The Abstract of the Disclosure has been amended merely to place it in a form more typical of U.S. practice.

Rejection Under 35 U.S.C. §102(b) and §103(a)

Claims 1-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ennis (U.S. 4,354,291); and

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ennis in view of Korfen (U.S. 4,614,449). These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 has been amended herein to recite a combination of elements directed to a brushing device for brushing livestock including *inter alia*

whereby in the absence of a force acting externally upon it, the brush has a substantially vertical orientation for brushing sides of an animal, and

wherein the at least one flexible element of the carrying means, through a force acting externally thereupon, permits a swiveling of the brush to a substantially horizontal orientation of said brush for reaching higher-up surfaces of the animal.

Support for the novel combination of elements set forth in claim 1, can be seen in the specification, for example, on page 2, lines 32-37.

The Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Ennis.

For example, the Applicants respectfully submit that Ennis fails to teach or suggest, whereby in the absence of a force acting externally thereupon, the brush has a substantially vertical orientation for brushing sides of an animal, as set forth in claim 1. Figure 2 of Ennis, for example, shows pivoting of the brush, but not to a substantially horizontal orientation for reaching higher-up surfaces of an animal. The mounting of the piston 68 in Ennis would prevent such movement. As discussed in the paragraph bridging columns 6 and 7, the cylinder 68 is a chock absorber to regulate and control tilting of the rotating brush 48 to prevent the brush 48 from swinging or tilting too freely. Thus, the Ennis patent teaches away

away from modifying the brush to move to a horizontal orientation. Such an arrangement, however, is claimed in the present application and would permit better cleaning of the livestock since higher-up surfaces can be reached. As can be seen in Ennis, Figs. 1-13, this document merely discloses a brush that is only capable of swiveling in a substantially vertical orientation.

Further, the Ennis document merely discloses a vehicle washing apparatus, and not a livestock brush. Due to the softness of the brushes and the evenly distributed application of brushing pressure of a vehicle washing apparatus, a vehicle washing apparatus is not suitable for brushing a livestock animal. The Applicants respectfully submit that the Ennis document is non-analogous art, and that one skilled in the art at the time the present invention was made would not create the present invention based on the disclosure of Ennis. Thus, the rejection based on Ennis is not proper.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Ennis.

While not used in the rejection of independent claim 1, the Korfen document can not make up for the deficiencies of Ennis. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, independent claim 1 is in condition for allowance.

The Examiner will note that dependent claims 2-9 have been amended merely to place them in a form more typical of U.S. practice. Dependent claim 10 has been added for the Examiner's consideration.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) and §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

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Reply to Office Action of January 10, 2006

Docket No.1063-0105PUS1
Art Unit:3643
Page 10 of 11

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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